

EXHIBIT C

Plaintiff's
Exhibits

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DECLARATION OF AMY COPELAND

My name is Amy Copeland, and I am over the age of 18 and fully competent in all respects to make this declaration. I have personal knowledge and expertise of the matters herein stated.

1. I am the Associate Commissioner of School Finance at the Texas Education Agency (“TEA”). I have worked for TEA in this capacity since March 2024. Prior to March 2024, I worked for TEA in the following roles since November 2012: FSP Operations Manager (November 2012 – May 2016), Assistant Director of State Funding (May 2016 – October 2019), and Director of State Funding (October 2019 – February 2024). As a part of my current role, I oversee TEA’s school finance operations, including the administration of the Foundation School Program and analysis and processing of TEA’s financial data. I have access to TEA’s historical financial data as well as its current financial data. My responsibilities also include representing TEA in legislative hearings and school finance-related litigation.

2. TEA estimates that the average funding entitlement from state and local sources for fiscal year 2024 will be \$10,107 per student in attendance for an entire school year. If a student qualified for additional Bilingual and Compensatory Education weighted funding, it would cost the State \$12,316 to educate each student in attendance for the entire school year. Most, if not all non-citizen (*i.e.*, “alien”) children would likely qualify for both Bilingual and Compensatory Education weighted funding.

3. TEA has not received any information directly from the federal government regarding the precise number of non-citizen children in Texas. However, I am aware that the U.S. Health and Human Services (“HHS”) Office of Refugee Resettlement provides data for a particular subset of the population of non-citizen children present in Texas: unaccompanied

children (“UAC”) (available at <https://www.acf.hhs.gov/orr/grant-funding/unaccompanied-children-released-sponsors-state>, accessed on October 6, 2024 at 1:33 p.m. CST). It indicates that in Texas, 3,272 UAC were released to sponsors during the 12-month period of fiscal year 2015 covering October 2014 through September 2015; 6,550 UAC were released to sponsors during the 12-month period of fiscal year 2016 covering October 2015 through September 2016; 5,391 UAC were released to sponsors during the 12-month period of fiscal year 2017 covering October 2016 through September 2017; 4,136 UAC were released to sponsors during the 12-month period of fiscal year 2018 covering October 2017 through September 2018; 9,900 UAC were released to sponsors during the 12-month period of fiscal year 2019 covering October 2018 through September 2019; 2,336 UAC were released to sponsors during the 12-month period of fiscal year 2020 covering October 2019 through September 2020; 15,338 UAC were released during the 12-month period of fiscal year 2021 covering October 2020 through September 2021; 19,071 UAC were released during the 12-month period of fiscal year 2022 covering October 2021 through September 2022; and 16,394 UAC were released during the 12-month period of fiscal year 2023 covering October 2022 through September 2023.

5. To demonstrate the scope of expenditures to the State of Texas for educating non-citizen children by looking at the known particular subset of non-citizen children for which we have concrete data (UAC): if each of the children described above for fiscal years 2022 and 2023 enrolls in and achieves full attendance at a Texas public school during the school year following the period during which they are released to a sponsor, and qualifies for Bilingual and Compensatory Education weighted funding (such that the annual cost to educate each student from state and local sources for fiscal years 2023 and 2024 would be approximately \$12,206 and \$12,316, respectively),

the annual costs to educate these groups of children for fiscal years 2023 and 2024 would be approximately \$232.77 million and \$201.90 million, respectively. These estimates do not include any potential costs associated with UAC continuing in Texas public schools beyond one year.

6. Texas public school formula funding is comprised of state and local funds. Funding entitlements are initially based on projections of student counts, attendance patterns, and other factors, and adjusted as actual data become available. Districts often experience changes in their student enrollment from year to year resulting from births and deaths, movement in and out of the district, and other factors. Enrollment is forecast to peak in 2025 due to smaller birth cohorts working their way through the system. Based on available data, the State plans for a net decrease of approximately 15,000 students in average daily attendance across Texas each year in 2026 and 2027, and then remains relatively flat with small increases back to 2026 levels by 2031. Any increase in enrollment of alien children in Texas schools necessarily increases TEA's expenditures on public K-12 education.

7. The Foundation School Program serves as the primary funding mechanism for providing state aid to public schools in Texas. Any additional UAC or other non-citizen children enrolled in and attending Texas public schools would increase the State's cost of the Foundation School Program over what it otherwise would have been.

8. All of the facts and information contained within this declaration are within my personal knowledge and are true and correct to the best of my knowledge.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 7th day of October 2024.



AMY COPELAND